



September 20, 1999

Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: Docket Nos. 98N-1230, 96P-0418, and 97P-0197
Food Labeling: Safe Handling Statements: Labeling of Shell
Eggs; Shell Eggs: Refrigeration of Shell Eggs Held for
Retail Distribution

Ladies and Gentlemen:

The Hawaii Egg Producers Cooperative ("HEPC") is a cooperative representing the egg producers in the State of Hawaii.

Pursuant to the above-referenced docket numbers, the FDA is proposing the following shell egg labeling language:

SAFE HANDLING INSTRUCTIONS: Eggs may contain harmful bacteria known to cause serious illness, especially in children, the elderly, and persons with weakened immune system. For your protection: keep eggs refrigerated; cook eggs until yolks are firm; and cook foods containing eggs thoroughly before eating.

The Hawaii egg industry has a long history of service and value to its customers and remains cognizant and interested in the safety, health and welfare of its consumers. It is the industry's belief, however, that the public's welfare can best be served by educating the public (foodservice in particular) as to the proper care, handling and storage of eggs. As such, HEPC does not oppose the proposed language concerning safe handling of eggs, but would like to have the following language deleted from the above shell egg labeling language:

Eggs may contain harmful bacteria known to cause serious illness, especially in children, the elderly, and persons with weakened immune system.

DMC/66190/

97P-0197

C693

HEPC hereby comments on specific provisions of the proposed rule and memorandum:

Page 36501-A. Rationale for Shell Egg Labeling:

Unless consumers and food preparers are advised about both the risk presented by eggs contaminated with SE and the ways they can reduce these risks, consumers, particularly at great risk, could suffer serious illness or death from the consumption of raw or undercooked eggs and egg containing foods. According, FDA tentatively concludes that there is an immediate need to require label statements that inform consumers of the public health risks associated with consumption of raw or improperly cooked shell eggs and provide safe handling instructions.

According to the NPIP and Egg Nutrition Center, SE from eggs has declined dramatically to one egg in 20,000, a rate of 0.005 percent compared to other products at 30%. The current proposed labeling language with verbiage as "eggs may contain harmful bacteria" is unfair to the egg industry. The egg industry should not be made the example for new safe handling proposals by the federal government. Other food industries have safe handling labels, but do not include the language being proposed for eggs, i.e. "may contain harmful bacteria known to cause serious illness, especially in children, the elderly, and person with weakened immune systems."

Instead, HEPC believes that the FDA should work more aggressively with the State Health Departments to regulate the safe handling practices and sanitation at foodservice operations where a vast majority of human outbreaks occurs. The emphasis of education of the foodservice level should be a priority.

Page 36502 - C. Covered Producers.

Accordingly, FDA is proposing in Sec. 101.17(h) (5) that the safe handling statement for shell eggs that are not for directly sale to consumers, e.g., those that are to be repacked or labeled at a site other than where originally processed or are sold for use in foodservice

establishments may be provided on cartons or in labeling; e.g., invoices or bills of lading in accordance with the practice of the trade.

HEPC proposes that safe handling instructions be printed on invoices or bills of lading as follows: SAFE HANDLING INSTRUCTIONS: For your protection: keep eggs refrigerated; cook eggs until yolks are firm; and cook foods containing eggs thoroughly before eating.

Foodservice operations use shell eggs on egg flats, so labeling will be most effective on invoices or bills of lading. Also restaurants are the high risk group for mishandling of eggs and sanitation problems.

Page 36505, third paragraph.

Focus group participants responded favorably to a graphic format that used bullets for the safe handling instructions.

The vast majority of egg cartons used in Hawaii is paper pulp View Post type. Print space is limited to none on the principal display panel (PCP). Therefore, bullets and graphics would be very difficult. Almost all cartons in Hawaii have "Keep Refrigerated" in large type-size (approximately 1/2-inch or larger) on cartons and case boxes. For the necessity of space limitation and expense for a small industry, the phrase "keep eggs refrigerated" should be excluded for the proposed labeling requirement if the existing carton possesses the language.

CONCLUSION.

In conclusion, HEPC opposes the proposed Food Labeling and Handling Rules for shell eggs as written. When Rose Acres petitioned the federal government to have safe handling labeling on egg cartons, they did not intend to have eggs labeled as a hazardous food. The egg industry, nationally and locally have made great strides to improve the food safety of shell eggs through the refrigeration temperatures of 45°F and below, and the implementation of egg quality assurance programs which possess HACCP features. The foodservice establishments and consulting

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public need to be educated on proper handling and preparation of eggs which kills any SE in 0.005 percent of the eggs produced.

HEPC would, however, support the following alternative language:

SAFE HANDLING INSTRUCTIONS: For your protection: keep eggs refrigerated; cook eggs until yolks are firm; and cook foods containing eggs thoroughly before eating.

Very truly yours,

CHAR SAKAMOTO ISHII LUM & CHING



Vernon F.L. Char
Carolyn M. Oshiro

Counsel for and on behalf of the
Hawaii Egg Producers Cooperative

VFLC:CMO

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HEALTH AND HUMAN SERVICES
FOOD AND DRUG ADMINISTRATION
CROSS REFERENCE SHEET

Docket Number/Item Code: 98N-1230/C692

See Docket Number/Item Code: 97P-0197/C693
96P-0418/C692